

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

A-2
13 CV 0100

Marc Pierre

Plaintiff,

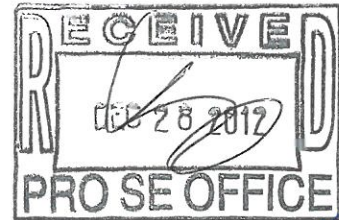
Against

THE CITY OF NEW YORK;

P.O. DAVIS

DOES 1-10

COMPLAINT
PLAINTIFF DEMANDS TRIAL BY
JURY



Take notice, I, the Plaintiff, Marc Pierre, hereby appears in this action of my own free will and volition. Any manner of questions or demands pertaining to this action may be served to me at this address 727 Knickerbocker Ave. 3d. Flr, Brooklyn, N.Y. 11212.

NATURE OF THE ACTION

1. This is an action at law to redress the deprivation of rights secured to me under the color of law, statute, ordinance, regulation, custom, and or to redress the deprivation of rights, privileges, and immunities secured to me by the First, Fourth, Eighth, Ninth, and Tenth Amendments to the Constitution of the United States, and by Title 42 U.S.C. 1983 and 1985, [and arising under the law and statutes of the State of New York].

2. This is an action to further seek compensation for the serious and continuous injuries sustained by I, the Plaintiff, as duly noted in court case no. 11 CV 0782, as a result of the negligence of the Defendants, perpetrated while said Defendants' police officers were in the process of illegally and unlawfully arresting plaintiff.

JURISDICTION

1. The jurisdiction of this court is invoked under 28 U.S.C. 1343(3), this being an action authorized by law to redress the deprivation of rights secured under color of state and city law, statute, ordinance, regulation, custom and usage of a right, privilege and immunity secured to the plaintiff by the by the Fourth, Eighth, Ninth, and Tenth Amendment to the Constitution of the United States.
2. All causes of action not relying exclusively on the aforementioned federal causes of action as a basis of this Court's jurisdiction are based on the Court's supplemental jurisdiction pursuant to 28 U.S.C. 1367 to hear state law causes of action. The events, parties, transactions and injuries that form the basis of plaintiff's federal claims are identical to the events, parties, transactions, and injuries that form the basis of plaintiff's claims under applicable State and City laws.
3. As the deprivation of rights complained of herein occurred within the Southern District of New York, venue is proper in this district pursuant to 28 U.S.C. 1391(b) and (c).

PARTIES

1. Plaintiff Marc Pierre resides in Kings County and is a resident of the State of New York.

2. Defendants Police Officers are, and at all times relevant to this action were, officers of the City of New York Police Department and acting under color of state law. Said officers are being sued in both their individual and official capacities.
3. Defendant Officers Doe are unknown police officers for the City of New York, acting under color of state law. They are being sued in both their individual and official capacity.
4. Officer Davis at all times relevant to this action was a police officer with the City of New York Police Department and acting under color of law. He is being sued in both his individual and official capacity.
5. The Defendant, City of New York is a municipality in the State of New York and employs the Defendants Police Officers.

FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. On May 4, 2012 I was in the process of conducting business at my pet stand, I sold pets to teach kids about science, and having a good day when I was approached by P.O. Davis and his partner.
2. P.O. Davis then told me shut down my stand without asking to see any paper work, license or anything. I explained to Officer Davis that I was a USMC veteran, have a license and had a right to be there. He said that he wanted me to shut down and leave. Then I told him I had a right to be there and that I had a License. I then showed him my Brooklyn Vendors Certificate License.

3. He looked it over and told me that it wasn't good and that I had to shut down. At which point I told him with or without a license I had a right to be there based upon the Ninth and Tenth Amendments. I also told him I waived all benefits from his corporation and that I had a right to be there because I was Sovereign and had a right to be there based on the Ninth and Tenth Amendments.
4. Then he looked at my license and then spoke to his partner by their patrol car. Then his partner came up to me and stated that his sergeant wanted me to leave and that I was causing problems.
5. I re-stated to this officer that I had a right to be there and earn a living. I also stated that I wasn't a straw- man but a living man so his corporation had no jurisdiction over me.
6. The Officers then went to their patrol cars and began speaking to their precinct. At this time a crowd of people began to form around the table and watch what was going on.
7. After a few minutes of conferencing they approached and told me that this was my last chance to leave and if I didn't shut down they were going to arrest me. I reiterated to them that I was standing up for my rights and had a right to be there.
8. Then a couple of minutes later their back-up showed up and surrounded me. I told them they were violating my constitutional rights by arresting me because I was causing no harm or being a threat to nobody.
9. I also told them that I was now under threat, duress, and coercion, and if they arrested me, and it turned out I was correct, and the case got dismissed I would sue them for 5 million dollars. They agreed to the deal in front of witnesses who were

watching the whole thing and proceeded to handcuff me in a manner which left indentations on my wrist.

10. I was then taken to the police precinct before being processed through central booking.

At the precinct I stated that I was operating in my sovereign capacity and would sue them for 5 million dollars for violating my unalienable rights, if the case was dismissed, at which point the officers in the precinct agreed and began to process me.

11. I was charged with unlicensed vending even though I had a license at the time.

12. I was processed in the precinct and then sent to central booking, and after being duly detained at central booking, I told the legal aide that I wanted to represent myself but they wouldn't let me. I stated that I was operating in my sovereign capacity but they still wouldn't let me represent myself. After a long wait I was taken before a judge plead not guilty, given a new court date and released on my own recognizance.

13. After approximately 28 hours in jail, I was released.

14. The Officers confiscated all of my supplies, table, and all of the pets I was selling(turtles, fish, frogs), didn't give me a voucher, and none of my property was ever returned to me.

15. That even though the defendant police officers knew, or should have known, based on the facts that no crime had been committed, or there was there a reason to stop and incriminate me, they still proceeded to arrest , charge me and assault and incarcerate me just to intimidate me, further aggravating my injuries.

16. At no time did I commit any offense against the laws of New York City and or State for which an arrest may be lawfully made.

17. As a direct and proximate result of defendants' actions, and as duly noted in court case no. 11 CV 0782, due to the continuous malicious of prosecution with or without a General Vendors License, I have suffered and continue to suffer injuries, including but not limited to emotional distress, loss of income, nightmares, panic attacks, mental anguish and unwarranted severe anger bouts some or all of which may be permanent.
18. My arrest and wrongful imprisonment because of defendants' knowledge of a lack of any legitimated cause or justification, were intentional, unlawful, malicious, reckless and in bad faith.
19. As a direct and proximate result of my continuous unlawful detention, assault, confinement, as duly noted in court case no. 11 CV 0782, I have lived in terror of their attack, and continue to suffer various emotional attacks, in addition, and have suffered loss of income, been unable to function normally which has caused a severe strain and breakdown in my personal relationships, in and outside of my home.
20. As a direct and proximate result of defendants' actions, I was arrested, detained without just or probable cause.
21. As a direct and proximate result of defendants' actions, I was deprived of rights, privileges and immunities under the First, Fourth, Eighth, Ninth and Tenth Amendments to the United States Constitution and the laws of the City of New York and the State of New York.
22. Defendant City of New York, as duly noted in court case no. CV 11 0782, as a matter of policy and practice, has with deliberate indifference failed to properly sanction or discipline police officers including the defendants in this case, for the continuous

violations of the constitutional rights of citizens, thereby causing police officers including defendants in this case, to continuously engage in unlawful conduct.

23. Defendant City of New York, as duly noted in court case no. CV 11 0782, as a matter of policy and practice, has with deliberate indifference failed to sanction or discipline police officers including the defendants in this case, who are aware of and subsequently conceal violations of the constitutional rights of citizens by other police officers thereby causing and encouraging police officers including defendants in this case, to engage in unlawful conduct.

24. The actions of defendants, acting under color of State law, deprived me of my rights, privileges and immunities under the laws and Constitution of the United States; in particular, the rights to be secure in his person and property, to be free from excessive use of force and from malicious prosecution, abuse of process, and the right to due process.

25. By these actions, defendants have deprived me of rights secured by the Fourth, Eighth, Ninth, Tenth Amendments to the United States Constitution, and The Commerce Act in violation of 42 U.S.C. Section 1983.

26. The actions of defendants, acting under Color of Law, deprived me of unalienable rights endowed to all men by the All-Mighty Creator which is the basis all Law. Sovereignty resides with the people as stated in the Ninth and Tenth Amendments. Because I was operating in my sovereign capacity when said defendants detained me, and stated thus, all of their actions are rendered null and void. If ever the law of the All-Mighty Creator

and man are at variance, the former are to be obeyed in derogation of the latter.[Acts 5:29]

27. Consent makes the Law. A contract is a law between the parties, which can acquire force only by consent. I never consented to any of the actions said defendants exercised over me. Said defendants did enter into a contract with me when I stated that I felt that I was under threat, duress, coercion, and if they unlawfully detained and it was dismissed I would sue them in civil court for five million dollars. This contract was made valid when the Defendants voluntarily and unlawfully detained me.
28. This action has been commenced within six months after the happening of the event upon which the claim is based.

AS A FIRST CAUSE OF ACTION:

42 U.S.C. Section 1983

Against all Defendants

1. I hereby re-state all paragraphs above of this complaint, as though fully set forth below.
2. By detaining and imprisoning me on May 4, 2012 without justification, probable cause or reasonable suspicion, using excessive force, and assaulting him, the Officers, Defendants deprived me of rights, remedies, privileges, and immunities guaranteed in the Constitution, in violation of 42 U.S.C. Section 1983, including, but not limited to rights guaranteed by the First, Fourth, Eighth, Ninth, Tenth Amendments of the United States Constitution and the Commerce Act.

3. In addition, the Defendants conspired among themselves to deprive me of my constitutional rights secured by 42 U.S.C. Section 1983, and by the First, Fourth, Eighth, Ninth, Tenth Amendments of the United States Constitution and The Commerce Act.
4. The defendant acted under pretense and color of state law and in their individual and official capacities and within the scope of their respective employment as NYPD Officers were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers, and said Defendants acted willfully, knowingly, and with the specific intent to deprive the Plaintiff of his constitutional rights secured by 42 U.S.C. Section 1983, and by the Fourth, Eighth, Ninth, Tenth Amendments to the United States Constitution and The Commerce Act.
5. As a direct and proximate result of the misconduct and abuse of authority detailed above, I have sustained the damages herein before stated.

AS A SECOND CAUSE OF ACTION:

Sovereignty resides with the People, Ninth and Tenth Amendments U.S. Constitution

1. I hereby restate all paragraphs of this complaint, as though fully set below.
2. The actions of defendants, acting under Color of Law, deprived me of unalienable rights endowed to all men by the All-Mighty Creator which is the basis of all Law. Sovereignty resides with the people as stated in the Ninth and Tenth Amendments. Because I was operating in my Sovereign capacity when said defendants detained me, and stated thus, all of their actions are rendered null and void.

3. If ever the law of the All-Mighty Creator and man are at variance, the former are to be obeyed in derogation of the latter.[Acts 5:29]

AS A THIRD CAUSE OF ACTION:

New York State Constitution, Art. 1 Section 12 against all Defendants

1. I hereby restate all paragraphs of this complaint, as though fully set forth below.
2. By detaining and imprisoning me without probable cause or reasonable suspicion, and using excessive force, the Defendants Officers deprived me of rights, remedies, privileges, and immunities guaranteed to every New Yorker by Article 1, Section 12 of the New York Constitution.
3. In addition, the Defendant Officers conspired among themselves to deprive me of my constitutional rights secured by Article 1, Section 12 of the New York Constitution, and took numerous overt steps in furtherance of such conspiracy, as set forth above.
4. The Defendants Officers acted under pretense and color of state law and in their individual and official capacities and within the scope of their respective employment as NYPD Officers. Said acts by the Defendants Officers were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers, and said defendants acted willfully, knowingly, and with the specific intent to deprive me of my constitutional rights secured by Article 1, Section 12 of the New York Constitution.
5. Defendants, their officers, attorneys, agents, servants and employees were responsible for the deprivation of my state constitutional rights. Defendants, as employer, are, is responsible for their wrongdoing under the doctrine of respondent superior.